

REMARKS/ARGUMENTS

This Amendment is in response to a Final Office Action dated October 20, 2006, in which the Examiner (1) rejected claims 2, 4, 6, 9-12, 22, 23, 25 and 26 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,587,835 ("**Treyz**") in view of U.S. Patent Pub. No. 2003/0154135 ("**Covington**"), further in view of U.S. Patent No. 5,862,325 ("**Reed**") and (2) rejected claim 7 under U.S.C. §103(a) as being unpatentable over **Treyz**, **Covington**, and **Reed**, further in view of Communications Today, Paper #2, PTO-892, Item U ("CT").

Applicant is not proposing Amendments to the claims, but rather respectfully requests the Examiner reconsider the rejection of the claims in light of the remarks herein.

As best understood, in rejecting most of the claims (including the three independent claims 22, 23 and 26), the Examiner relies on **Treyz** for its showing use of a handheld device 12 that may have information downloaded from an in-hone electronic device, and that is then used when shopping at a store (e.g., Fig. 14, and col. 10, lines 25-32) . The Examiner relies on **Covington** for its disclosure of downloading a shopping list using a wireless connection or physical cradle (e.g., paragraph 0149), and relies on **Reed** for its disclosure of a yellow pages directory server (col. 98, lines 62-76)) and for its newly cited disclosure of an off-line browser (col. 77, lines 15-29).

However, as pointed out in earlier responses by the Applicant, even if combined the cited references do not disclose or suggest all of the recited elements of the claims, such as elements in independent claim 22.

Applicant's invention (e.g., as recited in claim 22) is for the purpose of accessing a yellow pages directory website when the portable device is at locations without access to the internet, and includes the following recited element:

"using the portable device to access the selected information items when the portable device is *at a remote location away from the computer and not in direct communication with the computer and without access to the directory website*" (emphasis added).

In **Treyz**, the handheld device is not for use at remote locations "without direct address to the directory website." In fact, referring to Figs. 1, 2, 13-15, 18 and 19 of **Treyz**, it is clear that the handheld device 12 is intended to be linked at all times to various systems (both at home and at a store), and is not intended for use in accessing directory listings when away from the user's computer and where there is no access to the directory website, as in Applicant's invention. Applicant continues to believe **Treyz** teaches away from the invention by disclosing a handheld device that has wired or wireless access to stores, malls and other databases (when away from the in-home device), rather than (as in the present invention) being used remotely where there is no access such information.

In **Covington**, PDAs are loaded and used only at a mall or store that is remote from a home computer (see Fig. 1). Thus, the PDAs in **Covington** are not linked to a home computer at one location and then taken to a second location away from the home computer, as in Applicant's invention.

In **Reed**, the reference to an "off-line browser" is a description of known browsers that permit off-line viewing to speed up viewing and reduce access charges (col. 77, lines 26-27). This does not disclose (or suggest) using a handheld device a remote location, where there is no "direct communication with the computer" and where there is no "access to the directory website," as recited in claim 22.

Independent claims 23 and 26 (as well as dependent claims 2, 4, 6-12 and 25) are allowable for at least the same reasons as stated above. Also, various additional limitations are recited in claim 26 and the dependent claims, such as "branding information identifying the operator of the directory website" being displayed at the portable device (claim 26).

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

Appl. No. 09/991,158
Amdt. dated December 19, 2006
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 3625

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

/Stephen F. Jewett/
Stephen F. Jewett
Reg. No. 27,565

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
SFJ:bhr
60942546 v1